

## **REMARKS / ARGUMENTS**

In complete response to the Office Action dated November 27, 2007, on the above identified application, reconsideration is respectfully requested. Claims 26, 27, 29-32, 38-40, and 43 are pending in this application.

With this amendment, claims 26, 27, 29-32, and 38-40 are amended, claims 22-25, 28, 33-37, and 41-42 are cancelled, and claim 43 has been added to further define the invention.

### **Claim Rejections Under 35 U.S.C. § 112:**

Claims 22-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Independent claim 22 has been cancelled, thereby rendering this rejection moot as pertains to claims 22, as well as dependent claims 23-25 and 28 which have also been cancelled.

However, since claims 26, 29, 31, and 32 were amended to include all the limitations of the base claim and any intervening claims, the phrase in question, "a gas mixture compressed and purified in the heat exchanger is cooled to produce a compressed, purified and cooled gas mixture" has been deleted and replaced with the phrase "a compressed and purified gas mixture is cooled in the heat exchanger to produce a compressed, purified and cooled gas mixture". This amendment renders this rejection moot, as well as claims 27 and 30 which are dependent upon claims 26 and 29.

Claims 22-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 22 has been cancelled, thereby rendering this rejection moot as pertains to claims 22, as well as dependent claims 23-25 and 28 which have also been cancelled.

However, since claims 26, 29, 31, and 32 were amended to include all the limitations of the base claim and any intervening claims, the phrase in question, "the or each unit" has been deleted and replaced with the phrase "at least one of said units". This amendment renders this rejection moot, as well as claims 27 and 30 which are dependent upon claims 26 and 29.

Claim 33 stands rejected under 35 U.S.C. 112, second paragraph for the ambiguous term "if applicable". This phrase has been cancelled from claim 33 and added as new dependent claim 43.

**Claim Rejections Under 35 U.S.C. § 103:**

Claims 22-25, 28, 33-37, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guillard et al. (2004/0261453) in view of Ekins et al. (5,505,052). Claims 22-25, 28, 41, and 42 have been cancelled, thereby rendering these rejections moot.

**Allowable Subject Matter:**

The Applicants thank the Examiner for giving notice that claims 26, 27, 29-32, and 38-40 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. These claims have been amended accordingly.

## **CONCLUSION**

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below. The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this paper or credit any overpayment to Deposit Account No. 01-1375.

Respectfully submitted,

/Elwood L. Haynes/

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